

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6136

BILL NUMBER: HB 1062

NOTE PREPARED: Nov 15, 2007

BILL AMENDED:

SUBJECT: Architectural Salvage Material Dealers.

FIRST AUTHOR: Rep. Day

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill prohibits an architectural salvage material dealer from purchasing or otherwise obtaining architectural salvage material: (1) from a person who is less than 18 years of age; or (2) that the dealer believes or should have reason to believe is stolen property acquired as a result of a crime.

It requires a dealer to keep a record book that contains certain information concerning architectural salvage material received by the dealer.

The bill requires a dealer to hold such material intact for: (1) at least 7 business days after receiving the material; and (2) at least 20 business days if the dealer receives written notice from a law enforcement agency or any other person that a person is claiming a right to possession of the material that is adverse to the dealer.

It allows law enforcement officers to inspect and obtain records from a dealer.

It makes it a Class A misdemeanor for a person to knowingly or intentionally violate a provision of the architectural salvage material dealers law.

Effective Date: July 1, 2008.

Explanation of State Expenditures:

Explanation of State Revenues: *Penalty Provision:* There are no data available to indicate how many individuals may be convicted of knowingly or intentionally violating a provision of the architectural salvage dealers law. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000.

Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$17), public defense administration fee (\$3), court administration fee (\$3), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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